



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4222-00
14 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 22 January 1959 after three years and seven months of prior honorable service.

Your record reflects that on 8 July 1959 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and being incapacitated for duty due to intoxication. The punishment imposed was restriction for three days and extra duty for 10 days. Shortly thereafter, on 15 July 1959, you received NJP for disobedience and were awarded restriction for a week. On 25 November 1959 you received your third NJP for disobedience and were awarded restriction for a week.

Your record further reflects that on 15 January 1960 received NJP for absence from your appointed place of duty and drunkenness. The punishment imposed was a reduction in rate. Subsequently, on 28 March 1960, you were notified of pending administrative separation action by reason of unfitness. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 29 March 1960 your commanding officer recommended you be issued a general

discharge by reason of unfitness as evidenced by four NJPs. On 6 April 1960 the discharge authority approved this recommendation and directed a general discharge. On 6 May 1960 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your general discharge was a result of a difficult divorce. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in four NJPs. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director